

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

V.

JOHN DOE AKA  
RAFAEL FLORES LOPEZ,

Defendant.

Docket No. 16-40017-TSH

**MOTION TO AMEND INDICTMENT**

The United States of America hereby submits this motion to amend the indictment language in the above-captioned case, so as to include the name “Carlos Paulino Morillo.” As grounds therefore, the government states:

1. The indictment charges the defendant with three counts of passport fraud, in violation of 18 U.S.C. § 1542, and one count of aggravated identity theft, in violation of 18 U.S.C. § 1028A. The defendant, who was using the alias Rafael Flores Lopez, was alleged to have submitted passport applications on three separate occasions under a different name.

2. On April 13, 2017, the defendant pled guilty to the charges contained in the indictment. During the Rule 11 hearing, the defendant stated under oath that his real name is Carlos Paulino Morillo. The United States now seeks to amend the indictment to include the name Carlos Paulino Morillo.

3. The district court may allow ministerial changes to indictments, including changes to names and dates, so long as the change does not deprive the defendant of notice of the charge or charges against him. *See, e.g., United States v. Dowdell*, 595 F.3d 50, 68 (1st Cir. 2010) (permitting amendment of indictment from “distribution of cocaine” to “distribution of

cocaine base”); *Jervis v. Hall*, 622 F.2d 19, 22-23 (1st Cir. 1980). (petitioner’s constitutional rights not violated when Commonwealth amended date of offense in indictment).

WHEREFORE, the government moves the Court to amend the indictment so as to reflect the actual name of the defendant.

Respectfully submitted,

WILLIAM D. WEINREB  
ACTING UNITED STATES ATTORNEY

By: /s/Greg A. Friedholm  
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Date: May 1, 2017

**CERTIFICATE OF SERVICE**

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF).

/s/ Greg A. Friedholm  
Greg A. Friedholm  
Assistant U.S. Attorney

Date: May 1, 2017